

REMARKS

Claims 1-8, 10-14 and 17-33 are pending in the present application. Claims 1-8, 10-14 and 17-33 stand rejected. No claims have been allowed. No claims have been canceled, amended or added herein.

Claims 1-8, 10-14 and 17-19 and 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,971,271 to Wynn, et al. (“Wynn”) and U.S. Patent No. 6,554,707 to Sinclair et al. (“Sinclair”). Claims 20-24 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wynn, Sinclair and U.S. Patent No. 6,905,409 to Bradshaw (“Bradshaw”). Applicants respectfully traverse.

I. Improper Reopening of Prosecution

The pending Office Action is a result of “prosecution [having] been re-opened” in light of Applicants’ Appeal Brief of February 6, 2007. However, Applicants respectfully submit that many of the issues raised in Applicants’ Appeal Brief have not been addressed in the pending Office Action or any other communication since prosecution has been reopened. In particular, Applicants have raised numerous concerns regarding prior positions taken on Wynn in prior Office Actions. Rather than address many of these concerns, the pending Office Action introduces one new reference with respect to only a few specific concerns that were raised in the now withdrawn Appeal Brief. Applicants respectfully request that all issues raised in the Appeal Brief be addressed, and that further explanation and details regarding these previously raised issues be provided with respect to Wynn allegedly teaching numerous claim elements. Applicants submit that the further maintaining of these or any future rejections over Wynn on the present basis without addressing these specific issues raised in Applicants’ Appeal Brief effectively denies Applicants’ right to an appeal.

As one specific, but non-limiting, example, contrary to the assertions of the pending Office Action, independent claims 1 and 32 contain numerous elements that are simply not taught by the recited prior art. In particular, these claim elements include the following:

- accepting a second input from an operator of said gaming system,
- providing a user identification associated with said given user,
- determining a user profile from said user identification,
- displaying only said navigation selectable elements said user is allowed to view, and
- wherein said resulting display is customized to the user based at least in part upon said first input and said second input.

At page 3, the pending Office Action states, “Wynn discloses accepting a second input from an operator of the gaming system (column 2, lines 40-45). The pending Office Action then goes on to state, “Wynn discloses providing a user identification associated with the given user, determining a user profile from the user identification, determining the information that the user is permitted to view in accordance with the user profile and displaying only the information the user is allowed to view, wherein the resulting display is customized to the user based at least in part upon the first input and second input (column 2, lines 35-45).” However, a careful read of this passage of Wynn simply does not reveal all of these claimed steps and elements, and Applicants remain at a loss as to how to address this deficiency of Wynn. For purposes of clarity, the specific passage of Wynn that is alleged to teach all of these steps is provided here in its entirety:

The combination of the card club feature and the voice and video communication now make it possible for the concierge via video image and audio channel to greet the player, remind him of his card club bonus level and also solicit any of the needs of the player such as change, beverage, dinner reservations, or the like so the player has no need to leave the machine, nor interrupt his play. Likewise, solicitation for card club membership can be made via the channel in a courteous manner.

Applicants note that the present claims are directed toward “(configuring) a *graphical user interface*,” rather than providing a simple display and/or video feed as is done here and

in Wynn in general, and submit that neither this quoted passage nor any other passage in Wynn teaches the claim steps and elements set forth above, as has been alleged.

Because no adequate basis for the allegations that Wynn teaches or suggests any of the foregoing claim elements has ever been provided, the pending rejections of claims 1 and 32 and all dependent claims therefrom fail for at least these additional reasons. Again, Applicants have raised these exact issues in Applicants' Appeal Brief, and the new Office Action fails to address any of these concerns. Applicants incorporate by reference all issues and objections raised in the Appeal Brief with respect to any characterizations of the recited prior art, including Wynn, made in the final rejections that were appealed from, and resubmit all such issues and objections herein.

II. No “set of navigation selectable elements” Shown in Wynn

In order to render a claim as obvious, a purported combination of references must contain every material element of that claim. *See* MPEP § 2143. All pending claims recite, *inter alia*, “a set of navigation selectable elements.” Although the previous Office Actions of January 12, 2006 and June 28, 2006 both specifically state, “Wynn . . . does not explicitly teach providing a set of navigation selectable elements,” the new Office Action of June 14, 2007 counters, “Wynn discloses providing a set of navigation selectable elements with Figure 20 displaying buttons that can be selected and navigated to functions.” Applicants respectfully agree with the earlier characterization of Wynn, object to this sudden change of position with respect to multiple previous statements in prior Office Actions regarding Wynn, and submit that Figure 20 of Wynn has not properly been shown to teach a set of navigation selectable elements in any event.

Rather, Figure 20 of Wynn is described as a “typical screen as seen by the concierge during communication with a player congratulating the player on winning a jackpot,” and

also an “illustration[] of [a] type[] of multiple field display[] as may be seen by a concierge,” and further, “shows a concierge screen with the player’s data on the right, the player’s name and other pertinent information above the concierge’s image.” Wynn at col. 4, lines 14-16; col. 6, lines 40-42; col. 8 lines 45-50. Wynn provides no further details anywhere regarding this Figure 20. A careful review of Figure 20 itself shows an apparent image of a concierge and various player identification fields, as well as numerous illegible items. Although several boxes appear in Figure 20, the purpose and function of such boxes are not clear, and it cannot be concluded that such items are “buttons” or “navigation selectable elements” in any event. For example, two of these boxes appear to state “Delivered” and “I’ll Get Back To You.” Such boxes would appear to be status indicators or communication options, and not navigation selectable elements.

Applicants respectfully submit that no “navigation selectable elements” can be divined from Figure 20 or its relevant written descriptions, and request that such alleged elements and their specific functions be clearly identified if this characterization of Wynn is to be maintained. Because no “set of navigation selectable elements” has been shown to be taught by Wynn, the pending rejections of claims 1-8, 10-14 and 17-19 and 25-32 fail for at least this reason.

III. Sinclair Fails to Cure the Deficiencies of Wynn

As noted in Applicants’ Appeal Brief, one pertinent claim element that was completely missing from all recited prior art, and all combinations thereof, was the claim element directed to, “determining which elements from said set of navigation selectable elements that said [given] user is permitted to view in accordance with said [first] user profile.” Applicants respectfully submit that none of the recited prior art references, including Sinclair disclose such a claim element.

At page 3, the pending Office Action states, “Sinclair discloses displaying a set of navigation selectable elements that the user is permitted to view in response to the user profile (column 15, lines 35-40).” However, a careful read of this passage of Sinclair simply does not reveal how Sinclair actually teaches this particular claim element. For purposes of clarity, the specific passage of Sinclair that is alleged to teach all of these steps is provided here in its entirety:

In order to incorporate user profile information in a game, user profile information retrieved from the memory 1504 in the mobile station 102 is sent to the server 1412. The server 1412 incorporates this profile information into the game service 1414. The virtual world 1406 is then constructed while taking account of the user profile information.

Applicants note that the present claims are directed toward “(configuring) *a graphical user interface*,” rather than providing text narrations and selections with respect to a virtual world in a Zorg style text game on a cellular telephone, as taught by Sinclair.

Not only does Sinclair not disclose a set of navigation selectable elements that a user is permitted to view in response to a user profile, but no apparent reason has been provided as to why a user of the concierge based embodiment of the Gaming Device Communications and Service System of Wynn would look toward the Zorg style text based virtual world cell phone game of Sinclair for modifications that are not perceived as needed for the system of Wynn. Accordingly, not only does Sinclair fail to cure the deficiencies of Wynn, but no adequate basis has been provided as to why one skilled in the art would look to combine these non-analogous references in the first place.

Applicants respectfully submit that the pending rejections fail for at least this additional reason that Sinclair fails to cure the deficiencies of Wynn and all other recited prior art references.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a Notification of Allowance to that effect. It is believed that no fee is due at this time. Should any fee be required for any reason related to this document, however, then the Commissioner is hereby authorized to charge such fee or fees to Deposit Account No.50-0388, referencing Docket No. IGT1P119. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this document or application.

Respectfully Submitted,
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September 14, 2007

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